

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 2 and 4 are cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 1, 3, and 5-9 are pending. Claim 1 and 9 are amended. Claim 1 is independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Rejection Under 35 U.S.C. § 112, second paragraph

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, Applicants have amended claim 1 to address the issue specifically pointed out by the Examiner. The Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. §103(a)

Claims 1-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brand et al. (U.S. 5,645,086) or Kazuichi et al. (JP 29-57173) in view of Okumoto et al. (EP 0165080) and further in view of Labbe et al. (U.S. 4,121,596). This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claim 1 has been amended herein to recite a combination of elements directed to a shredded tobacco feeding apparatus including *inter alia* "wherein said detection means includes:

a reflecting mirror arranged on one of the opposite side walls defining the width of said separation passage and having a reflecting surface facing the other of the side walls; and

an optical sensor arranged on the other side wall and having a light emitting/receiving surface for emitting detection light to the reflecting surface and receiving the detection light reflected from the reflecting surface,

wherein said detection means includes air blowing means for ejecting air along at least one of the reflecting surface and the light emitting/receiving surface,

wherein the air blowing means ejects the air upward from below the reflecting surface".

The Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Brand et al. (U.S. 5,645,086), Kazuichi et al. (JP 29-57173), Okumoto et al. (EP 0165080), and Labbe et al.

The Present Invention

As set forth in claim 1, as amended, the shredded tobacco feeding apparatus of the present invention includes the air blowing means for blowing air on the reflecting surface of the

direction means to clean the reflecting surface, whereby stagnation of the shredded tobacco can be detected with high accuracy.

Moreover, the air blowing means ejects air upward from below the reflecting surface. Accordingly, the ejected air ascends through the separation passage and does not impede the flow of the shredded tobacco toward the feed passage.

The References cited by the Examiner

None of Brand et al., Kazuichi et al., machine translation of JP Publication No. 2000-060522-A, Okumoto et al., Labbe et al. and Rossi disclose or even suggest means equivalent to the detection means which is adapted to detect the stagnation peculiar to the separation passage of the apparatus of the present invention.

At least for the reasons described above, the Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Brand et al. (U.S. 5,645,086), Kazuichi et al. (JP 29-57173), Okumoto et al. (EP 0165080), and Labbe et al.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested. Independent claim 1 is in condition for allowance.

Dependent Claims

Further, dependent claims 3 and 5-9 are in condition for allowance due to their dependency from allowable independent claims, as well as for the additional novel limitations set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

All claims are now in condition for allowance.

CONCLUSION

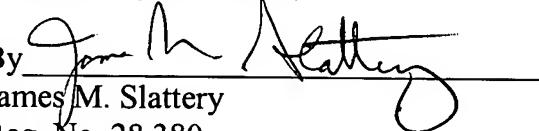
Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (Direct Line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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